

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

\*\*\* FILED \*\*\*  
08/03/2001

07/25/2001

CLERK OF THE COURT  
FORM R109B

JUDGE PRO TEM WM. DAVID ANDERSON

L. Stroud  
Deputy

CR 2001-002949

FILED: \_\_\_\_\_

STATE OF ARIZONA

JEFFREY R DUVENDACK

v.

DANIEL BRUCE FAGIN  
DOB: 08/09/62

JOHN W BLISCHAK

APO-SENTENCINGS-CCC  
APPEALS-CCC  
DISPOSITION CLERK-CCC  
VICTIM WITNESS DIV-CA-CCC

**SUSPENSION OF SENTENCE - PROBATION GRANTED**

4:12 p.m. State is represented by Jane McLaughlin.  
Defendant is present and represented by John Blischak.

Court Reporter, Kathy Braley, is present.

The Defendant is advised of the charge, the determination  
of guilt and is given the opportunity to speak.

Based upon the information provided, the Court finds  
probation to be mandatory pursuant to A.R.S. Section 13-  
901.01(A) due to the fact that this is the Defendant's first  
drug conviction. The Court further finds probation to be  
appropriate due to the nature of this offense and the  
Defendant's need for supervision and for drug treatment.

Pursuant to A.R.S. Section 13-607,

THE COURT FINDS AS FOLLOWS:

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WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived his/her right to a trial with or without a jury, his/her right to confront and cross examine witnesses, his/her right to testify or remain silent and his/her right to present evidence and call his/her own witnesses after having been advised of these rights. The determination of guilt was based upon a plea of Guilty.

Having found no legal cause to delay rendition of judgment and pronouncement of sentence, the Court enters the following judgment and sentence:

IT IS THE JUDGMENT of the Court that the Defendant is guilty of the crimes of:

OFFENSE: COUNT 2 AMENDED: POSSESSION OF DRUG PARAPHERNALIA, a class 6 undesignated, nondangerous and nonrepetitive offense in violation of A.R.S. Sections 13-3401, 3407, 3415, 3418, 701, 702, 702.01, 707, 801, 802 and 901.01(A) committed on August 12, 2000.

Upon consideration of the offense, the facts, law and circumstances involved in this case, the Court finds that the Defendant is eligible for probation. The specific reasons for the granting of probation are stated by the Court on the record.

As punishment for this crime(s),

IT IS ORDERED suspending imposition of sentence and placing the Defendant on standard probation as to Count(s) 2 for a period of **THREE YEARS** commencing July 25, 2001 under the supervision of the Adult Probation Department of this Court, in accordance with the formal Judgment and Order suspending sentence and Order imposing terms of probation signed by the Court.

As a condition of probation,

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IT IS ORDERED that the Defendant shall complete 50 total hours of Community Service, at the rate of 10 hours each month beginning September 1, 2001.

IT IS ORDERED that the Defendant pay a monthly probation service fee to the Clerk of the Superior Court of Maricopa County at a rate of \$40.00 commencing upon completion of Drug Court and due on the same day of each month thereafter during the term of probation.

FINE: IT IS ORDERED that the Defendant shall pay a fine to the Clerk of the Superior Court of Maricopa County in the amount of \$750.00, and all applicable surcharges are waived.

Payment is to be made in regular monthly payments of \$50.00 commencing upon completion of Drug Court and on the same day of each month thereafter until paid in full.

IT IS ORDERED that the Defendant pay an assessment in the amount of \$20.00 to the Clerk of the Superior Court of Maricopa County as follows:

Pursuant to A.R.S. Section 12-116, Defendant shall pay a fee of \$20.00 to the Clerk of the Superior Court of Maricopa County. Should Defendant pay all penalties, fines and/or sanctions in full this date, said fee is not applicable.

Special Term #17(h): The Defendant is to participate and cooperate in the Drug Court Program. Drug Court includes a \$20.00 program entry fee, payable within one week of sentencing, and weekly treatment costs of \$20.00 while in the program.

**All of the fines and fees listed under Term 12 are suspended while the Defendant is participating in the Drug Court Program.**

IT IS ORDERED granting the Motion to Dismiss Count 1.

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The written terms and conditions of probation are handed to the Defendant for explanation, acceptance and signature. The Defendant agrees to the stated waiver of extradition. The Defendant is advised concerning the consequences of failure to abide the conditions of probation.

The Defendant is advised concerning rights of review after conviction and written notice of those rights is provided.

FILED: Conditions of Probation and Notice of Rights of Review after Conviction.

Let the record reflect that the Defendant has waived the preparation of a presentence report. The EDC Adult Probation Office has prepared a written recommendation.

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Let the record reflect that the Defendant's thumbprint is permanently affixed to this sentencing order in open court.

4:16 p.m. Matter concludes.

/s/ JUDGE PRO TEM WM. DAVID ANDERSON  
JUDICIAL OFFICER OF THE SUPERIOR COURT

(thumbprint)